

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRYL WATSON,

Plaintiff,

No. 16-13770

v.

District Judge Linda V. Parker
Magistrate Judge R. Steven Whalen

CHARLES JAMSEN, ET AL.,

Defendants.

ORDER

Before the Court is non-party Michigan Department of Corrections' ("MDOC's") Motion to Quash Subpoena [Doc. #35]. On May 18, 2017, Plaintiff, a *pro se* prison inmate in the custody of the MDOC, served a subpoena requesting his MDOC medical records from January 1, 2016 to the present, for inspection. The MDOC objects, stating that the Plaintiff may obtain copies only if he pays \$.25 per page.

The MDOC is correct that it is not required to subsidize Plaintiff's discovery costs or provide him free copies of his medical records. On December 7, 2017, I entered an order granting Plaintiff's motion to compel discovery of 612 pages of his medical records in Defendants' possession, provided that he pay Defendants for copies at \$.25 per page.

However, Plaintiff's subpoena requests that he be provided the opportunity to *inspect* his medical file. He is permitted to do so. Therefore, to the extent that Plaintiff has not already obtained copies of his medical records from the Defendants, the MDOC will afford him a reasonable opportunity to inspect those records. In addition, the Plaintiff may obtain the records from the MDOC upon payment of \$.25 per page.

Under these terms, the MDOC's motion to quash [Doc. #35] is GRANTED IN

PART AND DENIED IN PART.

The motion is GRANTED to the extent that the subpoena requests free copies of Plaintiff's medical records, with the proviso that, pursuant to MDOC policy, Plaintiff may obtain copies for \$.25 per page.

The motion is DENIED to the extent that Plaintiff seeks the opportunity to inspect his medical file.

IT IS SO ORDERED.

Dated: January 30, 2018

s/R. Steven Whalen

R. STEVEN WHALEN
U.S. MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify on January 30, 2018 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on January 30, 2018.

s/Carolyn M. Ciesla

Case Manager for the
Honorable R. Steven Whalen